

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application of: Koenig et al.	Confirmation No.: 1191
Serial No.: 10/643,857	Art Unit: 1644
Filed: August 14, 2003	Examiner: Crowder, Chun
For: FC $\gamma$ RIIB-SPECIFIC ANTIBODIES AND METHODS OF USE THEREOF	Attorney Docket No.: 13783.105022

**STATEMENT REGARDING THE PERMANENCE AND AVAILABILITY OF DEPOSITED  
MICROORGANISMS UNDER 37 C.F.R. §§ 1.801-1.809**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

We, attorneys for MacroGenics, Inc., having a place for the transaction of business at 1500 East Gude Drive, Rockville, Maryland 20850-5307, the assignee of the above-captioned application, declare and state that:

1. The mouse hybridomas producing the anti-Fc $\gamma$ RIIB antibodies 1D5, 1F2, 2D11, 2E1 and 2H9 were deposited with the American Type Culture Collection (ATCC), located at 10801 University Boulevard, Manassas, Virginia 20110-2209 on May 7, 2004, in compliance with the Budapest Treaty on the International Recognition of the Deposit of Microorganisms for the Purposes of Patent Procedure ("Budapest Treaty") on behalf of MacroGenics, Inc. The deposited microorganisms were assigned Accession Nos. PTA-5958, PTA-5959, PTA-5960, PTA-5961 and PTA-5962, respectively.

2. We hereby assure the United States Patent and Trademark Office and the public that (a) all restrictions on the availability to the public of the microorganisms referred to in paragraph 1 will be irrevocably removed upon issuance of a United States patent of which such microorganisms are subject; (b) the microorganisms will be maintained for a term of at least thirty (30) years and at least five (5) years after the most recent request for the furnishing of a sample(s) of the deposited microorganisms was received by the ATCC, and in any case, samples will be stored under agreements that would make them available beyond the enforceable life of


**EXHIBIT A**

the patent for which the deposits were made; (c) should the deposits become non-viable, they will be replaced by the assignee; and (d) access to the microorganisms will be available to the Commissioner during the pendency of the patent application or to one determined by the Commissioner to be entitled to such microorganisms under 37 C.F.R. § 1.14 and 35 U.S.C. § 122. A copy of the Receipts of Deposit for the microorganisms referred to in paragraph 1 has been attached to this statement.

3. We hereby declare further that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true and further that we make these statements with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under § 1001 of Title 18, and would jeopardize the validity of the application or any patent issuing thereon.

Date: September 19, 2007

Respectfully submitted,

  
Margaret B. Brivanlou. 40,922  
(Reg. No.)

**KING & SPALDING**  
1185 Avenue of the Americas  
New York, New York 10036  
(212) 556-2100

**BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF  
THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE**

**INTERNATIONAL FORM**

**RECEIPT IN THE CASE OF AN ORIGINAL DEPOSIT ISSUED PURSUANT TO RULE 7.3  
AND VIABILITY STATEMENT ISSUED PURSUANT TO RULE 10.**

**To: (Name and Address of Depositor or Attorney)**

MacroGenics, Inc.  
Joseph E. Panigot  
1500 East Gude Drive  
Rockville, MD 20850

**Deposited on Behalf of:** MacroGenics, Inc.

**Identification Reference by Depositor:**

Hybridoma: 1D5  
Hybridoma: 1F2  
Hybridoma: 2D11  
Hybridoma: 2E1  
Hybridoma: 2H9

**Patent Deposit Designation**

PTA-5958  
PTA-5959  
PTA-5960  
PTA-5961  
PTA-5962

The deposits were accompanied by:     a scientific description     a proposed taxonomic description indicated above. The deposits were received May 7, 2004 by this International Depository Authority and have been accepted.

**AT YOUR REQUEST:**   X   We will inform you of requests for the strains for 30 years.

The strains will be made available if a patent office signatory to the Budapest Treaty certifies one's right to receive, or if a U.S. Patent is issued citing the strains, and ATCC is instructed by the United States Patent & Trademark Office or the depositor to release said strains.

If the cultures should die or be destroyed during the effective term of the deposit, it shall be your responsibility to replace them with living cultures of the same.

The strains will be maintained for a period of at least 30 years from date of deposit, or five years after the most recent request for a sample, whichever is longer. The United States and many other countries are signatory to the Budapest Treaty.

The viability of the cultures cited above was tested May 25, 2004. On that date, the cultures were viable.

International Depository Authority: American Type Culture Collection, Manassas, VA 20110-2209 USA.

Signature of person having authority to represent ATCC:

Marie Harris  
Marie Harris, Patent Specialist, ATCC Patent Depository

Date: June 26, 2004

cc: Geraldine F Baldwin, Esq.  
Docket or Case No.: 11183-013-999